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10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 Mark Rogers,

13 Petitioner,

14 v.

15 James Dzurenda, *et al.*,

16 Respondents.

Case No. 3:02-cv-00342-GMN-WGC

**Stipulated Second Extension of  
Time for Compliance with Sept.  
24, 2019 Judgment**

DEATH PENALTY CASE

1 In September of 2019, this Court issued an Amended Judgment in this case,  
 2 granting in part Mark Roger's Second Amended Petition for Writ of Habeas Corpus.  
 3 ECF No. 287. The order instructed:

4 Respondents shall either (1) within 90 days from the date  
 5 of the order (ECF No. 286), vacate Petitioner's judgment of  
 6 conviction and adjudge him not guilty by reason of  
 7 insanity, and adjust his custody accordingly, consistent  
 8 with Nevada law, or (2) within 90 days from the date of the  
 order, file a notice of the State's intent to grant Petitioner  
 a new trial and, within 180 days from the date of the order,  
 commence jury selection in the new trial.

9 *Id.* at 1. However, the judgment also stayed itself "pending the conclusion of any  
 10 appellate or certiorari review . . . or the expiration of the time for seeking such  
 11 appellate or certiorari review, whichever occurs later." *Id.* at 2.

12 The expiration of time for seeking certiorari review occurred on May 16,  
 13 2022.<sup>1</sup> Thus, the 90-day window of time in this Court's judgment ended on August  
 14 15, 2022. This Court accepted a stipulation between the parties filed August 2, 2022  
 15 to extend the deadline to October 14, 2022. As discussions between the parties  
 16 remain ongoing, the parties file this stipulation and draft order to extend the time  
 17 for execution of the judgment by forty-five days, to November 28, 2022.

18 IT IS HEREBY STIPULATED AND AGREED that:

19 1. Undersigned counsel for Mark Rogers have, since entry of the previous  
 20 stipulation, twice met and conferred with Pershing County District Attorney R.  
 21 Bryce Shields regarding this case, once via telephone on August 19, 2022 and once  
 22 via telephone on September 30, 2022. The parties have made further progress on

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23 <sup>1</sup> See *Rogers v. Dzurenda*, 25 F.4th 1171 (Feb. 14, 2022); see also S. Ct. R. 13.

1 agreeing to a just result in Mr. Rogers's State proceedings, however, the parties  
2 have not been able to complete these conversations and additional time is required.

3 2. The parties agreed to ask that this Court extend the deadlines by  
4 forty-five days to and including November 28, 2022 so that they may continue these  
5 discussions.

6  
7 DATED October 14, 2022.

8 RENE L. VALLADARES  
9 Federal Public Defender

DATED October 14, 2022.

AARON D. FORD  
Attorney General

10 /s/ Heather Fraley  
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12 /s/ Randolph M. Fiedler  
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*Attorney for Respondents*

**ORDER**

The parties have submitted a stipulation requesting this Court to extend the deadlines in its August 6, 2022 Order by forty-five days. Based on this stipulation and for good cause shown:

**IT IS ORDERED** that the deadlines from this Court's August 6, 2022 Order are vacated.

**IT IS FURTHER ORDERED** that Respondents shall either (1) by November 28, 2022, vacate Petitioner's judgment of conviction and adjudge him not guilty by reason of insanity, and adjust his custody accordingly, consistent with Nevada law, or (2) by November 28, 2022, file a notice of the State's intent to grant Petitioner a new trial and, by January 27, 2023, commence jury selection in the new trial.

Dated this 14 day of October, 2022.

  
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GLORIA M. NAVARRO  
UNITED STATES DISTRICT JUDGE